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Message Text

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ACTION SNM-05

INFO OCT-01 NEA-10 ISO-00 PPTE-00 CA-01 DEAE-00 L-03
CTME-00 JUSE-00 /020 W
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R 211400Z JUL 78
FM AMEMBASSY DAMASCUS
TO SECSTATE WASHDC 8881

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E.O. 11652: N/A
TAGS: SNAR, SY
SUBJECT: SYRIAN NARCOTIC LAWS

REF: STATE 170187

FOLLOWING INFORMATION IS KEYED TO SUBSTANTIVE PARAS REFTEL.

SUMMARY:
LAW NO. 182 FOR THE YEAR 1960 AND LEGISLATIVE DECREE NO. 13 OF FEB. 15, 1974 ARE THE CURRENT LAWS ON NARCOTICS IN SYRIA. PENALITIES FOR POSSESSION, TRAFFICKING, CULTIVATION AND PRODUCTION OF DRUGS ARE COVERED BY ARTICLES 33 TO ARTICLE 48 OF LAW NO. 182 FOR THE YEAR 1960. THIS LAW PROVIDES A FINE OF FROM 1,000 SYRIAN POUNDS TO 100,000 SYRIAN POUNDS; AND, IMPRISONMENT FROM 6 MONTHS TO LIFE WITH HARD LABOR, DEPENDING ON THE CIRCUMSTANCES OF POSSESSION, THE PURPOSE OF ACQUISITION OF THE DRUGS, THE QUANTITIES AND PREVIOUS RECORD OF THE PERSON. IN CERTAIN SERIOUS NARCOTIC CASES AND/OR IN CASE OF REPEAT OFFENDERS, THE DEATH SENTENCE CAN BE IMPOSED. ARTICLE 4 OF LEGISLATIVE DECREE NO. 13 OF FEB. 15, 1974 PROVIDES FOR SMUGGLING OF NARCOTICS, WITH IMPRISONMENT WITH HARD LABOR FROM 5 TO 20 YEARS AND
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A FINE EQUAL TO NOT LESS THAN 6 TIMES AND NOT MORE THAN 10 TIMES THE COST OF THE SMUGGLED GOODS, PROVIDED THAT THE ACT DOES NOT FALL UNDER A LAW PROVIDING FOR A STRICTER PUNISHMENT.

1. POSSESSION:
A. NO DIFFERENTIATION IS SPECIFIED IN LAWS

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FOR POSSESSION OF VARIOUS NARCOTICS.
B. THE OPERATION OF THE OFFESNE IS AUTOMATIC
BY MERE POSSESSION, WITHOUT REGARD TO QUANTITY,
HOWEVER, THE JUDGE IS THE ONE TO DECIDE THE
PENALTY, DEPENDING ON THE QUANTITY, PREVIOUS RECORD
OF THE ACCUSED AND HIS INTENT.
C. PENALITIES FOR POSSESSION DEPEND ON THE
QUANTITY, PREVIOUS RECORD OF THE PERSON AND INTENT.
IN GENERAL THEY ARE AS SEVEREE AS OTHER NARCOTIC
OFFENSES.

2. TRAFFICKING:
A. SYRIAN STATUTES CONSOLIDATE ALL NARCOTICS
INTO A GENERAL TRAFFICKING OFFENSE.
B. ARTICLE 34 OF THE LAW NO. 182 PROVIDES
FOR A SENTENCE OF IMPRISONMENT WITH HARD LABOR FOR
LIFE OR TEMPORARY HARD LABOR; AND A FINE FROM THIRTY
THOUSAND SYRIAN POUNDS TO ONE HUNDRED THOUSAND SYRIAN
POUNDS. ARTICLE 9 OF LEGISLATIVE DECREE NO. 13
OF FEB 15, 1974 STATES THAT THE ACCUSED SHALL NOT
BE RELEASED WHILE HIS CASE IS UNDER CONSIDERATION
BEFORE THE EXAMINING JUDGE OR THE CRIMINAL COURT.
C. ELEMENTS OF THE OFFESNE CONSTITUTING
TRAFFICKING ARE:
(1) AMOUNT IN POSSESSION (MERE POSSESSION
IS SUFFICIENT TO RAISE SUSPICION).
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(2) INTENT TO TRAFFIC.
(3) ASSOCIATION WITH TRAFFICKERS AND/OR PRODUCERS.
(4) PREVIOUS RECORD OF THE ACCUSED.
(5) PROFESSION OF THE ACCUSED.
D. ARTICLE 2 OF LAW NO. 182 FOR 1960 PROHIBITS
THE TRAFFICKING, IMPORT AND/OR EXPORT OF NARCOTIC DRUGS.
THE PERSON DOING SO IS SENTENCED TO IMPRISONMENT
FOR LIFE WITH HARD LABOR OR TEMPORARY HARD
LABOR AND A FINE OF THIRTY THOUSAND POUNDS TO 100,000
THOUSAND SYRIAN POUNDS AS PER ARTICLE 34 OF SAID LAW.

3. CULTIVATION, PRODUCTION:
A. THE CULTIVATION AND PRODUCTION OF CANNABIS,
(MARIJUANA AND HASH), COCO AND OPIUM ARE PROHIBITIED BY LAW.
B. N/A
C. SAME PENALTY AS FOR CULTIVATION & PRODUCTION.

4. FINANCIAL
A. YES, ARTICLES 33 AND 34 OF LAW NO. 182 FOR THE YEAR
1960.
B. YES, NO CURRENCY IS TO BE EXPORTED WITHOUT PRIOR
PERMISSION FROM THE CONCERNED AUTHORITIES.

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5. CRIMINAL PROCEDURE:
A. THERE IS NO DEFINITE PERIOD OF INVESTIGATION DETENTION IN THE LAW. IF AN ACCUSED IS ARRESTED BY CRIMINAL INVESTIGATION DIVISION HE WOULD GENERALLY BE IN THEIR CUSTODY AS LONG AS THEY WISH.
NORMALLY, THE ACCUSED MUST BE ARRAIGNED OR RELEASED WITHIN 24 HOURS OF ARREST. HOWEVER, UNDER CERTAIN CIRCUMSTANCES, SUBJECTS CAN BE HELD FOR SEVERAL DAYS BEFORE POLICE MAKE OUT AN OFFICIAL ARREST WARRANT. CHARGES CAN BE CHANGED AT LATER DATE TO A DIFFERENT OFFENSE AND NEW ARREST ORDER ISSUED. IF CONVICTED, PRE-TRIAL DETENTION TIME WOULD BE COUNTED TOWARDS SENTENCE ONLY FROM DATE OF ARREST WARRANT FOR OFFENSE FOR WHICH ACCUSED CONVICTED. EVEN AFTER ARREST ORDER ISSUED, POLICE, THROUGH PRSECUTOR, CAN ASK FOR EXTENSION OF DEADLINE FOR ARRAIGNMENT IF INVESTIGATION CONTINUING OR FINAL REPORT NOT READY FOR SUBMISSION TO PROSECUTOR.
CONSULAR ACCESS IS PERMITTED BY LAW DURING PRE-ARRAIGNMENT PERIOD. HOWEVER, IN PRACTICE IT IS WITH GREAT DIFFICULTY AND AFTER HIGH LEVEL INTERVENTION. THE EMBASSY IS USUALLY NOT NOTIFIED OF ARREST AT THIS STAGE. EVEN AT A LATER STAGE, THE EMBASSY IS NOT NOTIFIED THROUGH OFFICIAL CHANNELS IN TIMELY FASHION.
B. THERE IS NO DEADLINE FOR PRE-TRIAL DETENTION, HOWEVER, THE PROCEEDINGS SHOULD BE COMMENCED AS
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SOON AS POSSIBLE AND CONCLUDED WITHOUT UNDUE DELAY.

C. DEPENDING ON CASE AND NUMBER OF WITNESSES TO BE QUESTIONED AND THE WORKLOAD OF THE COURT:

I. LENGTH OF TRIAL MAY TAKE FROM THREE TO SIX MONTHS.

II. THE LENGTH OF THE REVIEW CONFIRMATION PROCEEDING IS ABOUT TWO MONTHS.

III. APPELLATE PROCESS TAKES ABOUT ONE MONTH.

D. LEGAL COUNSEL IS AVAILABLE AT NO COST TO DEFENDANT, PROVIDED HE PROVES THAT HE HAS NO MEANS TO RETAIN A LAWYER. THERE ARE ADEQUATE LAWYERS WHO HANDLE NARCOTIC CASES. IN EMBASSY EXPERIENCE FOR MINOR TRAFFICKING OFFENSE, MINIMUM FEE IS 1000 DOLLARS.

E. THERE IS A PROVISION FOR PAROLE AND GENERAL AMNESTY WHICH IS ISSUED AT THE ELECTION OF A NEW PRESIDENT. THE PAROLE PROVISION IS BY A SPECIAL REQUEST TO THE HEAD OF STATE AND IS USUALLY NOT GRANTED TO FOREIGNERS OR THOSE WHO DO NOT HAVE LOCAL SPONSOR TO POST BOND. THERE IS ALSO A PROVISION OF A QUARTER TIME. AFTER THE ACCUSED HAS SERVED THREE-QUARTERS OF HIS SENTENCE, HE MAY PETITION THE COURT FOR EARLY RELEASE. HE HAS TO PRESENT EVIDENCE THAT HE WAS OF GOOD CONDUCT WHILE IN PRISON.

F. IF NOT ENOUGH EVIDENCE IS PRESENTED, OFFENDERS CAN BE EXPELLED FROM COUNTRY. THEIR NAMES WOULD BE BLACK LISTED AND THEY WOULD NOT BE ALLOWED TO REENTER COUNTRY. FOREIGNERS, EVEN AFTER A SENTENCE IS SERVED, ARE USUALLY EXPELLED AND BARRED FROM REENTERING COUNTRY.
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